

## MONTANA BOARD of BARBERS and COSMETOLOGISTS

Phone: (406) 841-2333

Email: [dlibsdcos@mt.gov](mailto:dlibsdcos@mt.gov)

Website: [www.cosmetology.mt.gov](http://www.cosmetology.mt.gov)



### VARIANCE REQUEST – GENERAL INFORMATION

The rules established by the Montana Board of Barbers and Cosmetologists allows for licensees and perspective licensees to request a variance from a current rule under the conditions listed in ARM 24.121.405 –

24.121.405 VARIANCES (1) Upon application, the board may grant a variance from requirements of the safety and sanitation rules upon the board's determination that:

- (a) strict compliance with the rules would be overly burdensome or impractical due to special conditions or cause;
- (b) the public or private interest in the granting of a variance clearly outweighs the application of uniform rules; and
- (c) alternative measures will provide adequate public health and safety protection.

(History: 37-1-131, 37-31-203, 37-31-204, MCA; IMP, 37-31-204, MCA; NEW, 2005 MAR p. ,Eff. 11/19/04.)

- ☐ **New Shop or Salon:** Shop or salon license applicants must make a separate application for a rule variance whenever the shop or salon to be licensed does not meet any or all of the current rules in force by the Board. You must submit a completed Montana Board of Barbers and Cosmetologists Variance Request application along with the salon or shop license application. The application must be submitted with all required documentation and have an original signature.
- ☐ **Existing Shop or Salon:** Along with a new Salon or Shop license application, shop or salon license applicants who are acquiring an existing salon or shop must make a separate application for a rule variance whenever the shop or salon to be acquired does not meet any or all of the current rules in force by the Board. Board rules do not allow grandfathering previously allowed variances to new owners. You must submit a completed Montana Board of Barbers and Cosmetologists Variance Request application along with the salon or shop license application. The application must be submitted with all required documentation and have an original signature.
- ☐ **In Response to Inspection:** Shop or salon license holders who were made aware of the need to apply for a rule variance as a result of an onsite inspection must submit a completed Montana Board of Barbers and Cosmetologists Variance Request application if it is not their intent to correct the rule violation. The application must be submitted with all required documentation and have an original signature. Additionally, the salon or shop owner must inform the inspector in writing of their intention to request a rule variance within the established 30 day response time allowed for inspection required corrective action(s).
- ☐ **FEES:**                   **There is no fee required for a variance application.**

Complete current rules can be found on our website at [www.cosmetology.mt.gov](http://www.cosmetology.mt.gov)

**Important: Variance request applications are normally heard at the regularly scheduled board meetings held quarterly. You may have to wait up to 90 days to have your request heard.**

*Do not return this page with your application. Keep this page for your records.*

## VARIANCE REQUEST – REQUIRED INFORMATION TO BE INCLUDED WITH APPLICATION

### Each rule variance request application must include:

#### 1) A Floor plan of the entire building, or floor in a multi-story building, labeled to show:

For all variance requests -

- ☐ Salon/Shop location
- ☐ Shop/Salon work areas
- ☐ Salon/Shop entrances
- ☐ Main building entrances if separate from the shop/salon entrance
- ☐ Dimensions of all areas and hallways
- ☐ Location of other business's in relation to salon/shop

For restroom variance requests -

- ☐ Bathroom location, including sink(s)
- ☐ Distance in feet from main shop/salon entrance to the restroom(s)
- ☐ All hand-washing sinks in the salon/shop

For floor covering variance requests -

- ☐ Salon/Shop areas carpeted and those not carpeted

#### 2) The rule number the variance is being requested for:

Some common rule numbers –

- ☐ Restroom –
  - New shop/salon, restroom not within the salon/shop – 24.121.1505 (1)(a)
  - Change in ownership shop/salon, restroom not within the salon/shop – 24.121.1505 (1)(b)
  - Residential shop/salon, restroom accessed through living area – 24.121.1505 (1)(c)
  - Existing restroom does not have mechanical ventilation– 24.121.1505 (5)
- ☐ Floor covering (non-absorbent floor)–
  - Carpet in work areas, dispensaries, restrooms - 24.121.1501 (1)
  - Carpet not replaced during remodel – 24.121.1501 (1)(b)

#### 3) Photographs are often helpful to the Board in making decisions on variances. You are welcome to include photographs with your application.

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Helena, Montana 59620-0513

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**Mail completed application with supporting document to:**

Montana Board of Barbers and Cosmetologists

PO Box 200513

Helena MT 59620-0513

**VARIANCE REQUEST APPLICATION**

SALON/SHOP NAME \_\_\_\_\_ DATE \_\_\_\_\_

SALON/SHOP ADDRESS \_\_\_\_\_

(STREET, PO BOX)

(CITY)

(STATE)

(ZIP)

SALON/SHOP OWNER \_\_\_\_\_

SALON/SHOP PHONE# \_\_\_\_\_ SALON/SHOP OWNER PHONE# \_\_\_\_\_

If existing shop or salon, include current or previous license number here: \_\_\_\_\_

1. Rule Number that you are requesting a variance of: ARM \_\_\_\_\_

2. Describe the nature of the request: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Names of other business in building: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Number of employees for each business: \_\_\_\_\_

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Signature of Applicant

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